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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 25 AM 10: 13
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY ________ DEPUTY

'08 MJ 2258

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Edmundo RINCON** Defendant	)	Magistrate Case No. **COMPLAINT FOR VIOLATION OF:** Title 8, U.S.C. § 1324(a)(2)(B)(iii) - Bringing in Aliens Without Presentation,

The undersigned complainant, being duly sworn, states:

That on or about **July 24, 2008,** within the Southern District of California, defendant **Jose Edmundo RINCON**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that the alien, **Jose Melendrez-Marquez** had not received prior official authorization to come to, enter and reside in the United States, did attempt to bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **July, 2008.**

UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Jose Melendrez-Marquez,** is a citizen of a country other than the United States; that said alien has admitted they are deportable; that their testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witnesses in relation to these criminal charges and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 24, 2008, at approximately 11:40 PM, **Jose Edmundo RINCON (Defendant)** made application for admission into the United States driving a stolen gold Chevy Malibu at the T[illegible] Port of Entry. Defendant presented a valid California Identification Card to a CBP Officer [illegible] verbally claimed United States Citizenship. The CBP Officer noticed that Defendant was [illegible] nervous as his hands were shaking and he was stuttering when answering questions. Defendant gave two negative declarations to the CBP officer. The CBP Officer referred the vehicle and its sole visible occupant for secondary inspection.

In secondary inspection, a CBP Officer discovered and removed one individual from the behind the rear seat of the vehicle. The individual is now identified as a Material Witness: **Jose MELENDREZ-Marquez (MW).** The Material Witness was found in a specially built compartment, behind the rear seat in between the passenger compartment and the trunk of the vehicle. Material Witness was determined to be a citizen of Mexico with no entitlements to enter, pass-through, or reside in the United States.

A videotaped interview was conducted with the Material Witness. MW stated he is a citizen of Mexico with no documents to lawfully enter or reside in the United States. MW stated that he met Defendant yesterday in an unknown park in Tijuana, Mexico and Defendant offered to smuggle MW into the United States. MW accepted the offer and agreed to pay a smuggling fee of $5000.00 to be paid upon his successful entry into the United States. MW indicated that he was taken to an unknown house in Tijuana, prior to being placed in the vehicle by Defendant and two other unknown Mexican males. MW stated that he was in the compartment [illegible] approximately thirty minutes and that he could not get out without help. MW stated he inten[illegible] to travel to Long Beach, California to return to his residence. During the interview, [illegible] identified Defendant by his first name. MW stated that he knows it is illegal to enter the United States in this manner.